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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,325	05/10/2001	Naoya Suzuki	275756US6	5864
22850 7590 05/22/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER LUU, LE HIEN	
			ART UNIT 2141	PAPER NUMBER
			NOTIFICATION DATE 05/22/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

Application No.

09/853,325

Applicant(s)

SUZUKI, NAOYA

Examiner

Le H. Luu

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 15-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 15-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2141

1. Claims 1-4 and 15-24 are presented for examination.
2. The rejections of claims 1-7, 9-12, 14-20 under 35 U.S.C. § 112 have been withdrawn due to applicant's amendment filed 02/21/07.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-4 and 15-24 are rejected under 35 U.S.C. § 102(e) as being anticipated by Cloutier et al. (Cloutier) patent no. 6,535,586.

5. As to claim 15, Cloutier teaches the invention as claimed, including a mobile communication terminal (Fig 1; col. 3 line 62 - col. 4 line 25; Cloutier teaches wireless communication device 170 can be cell phone, PCS device, a personal computer with wireless capabilities, or any wireless communication device equipped with transceiver and antenna inherently include transmitter and receiver), comprising:

receiving means for receiving a mail-arrival notifying signal together with a summary of an electronic mail to make a notice that said electronic mail arriving at a prescribed mail server is an urgent mail (col. 4 line 15 - col. 5 line 23; col. 5 lines 40-60; the wireless communication device receives alert of high priority message with a summary of the message arriving at e-mail server 110 using POP3 or IMAP); and

transmitting means for transmitting an acquisition instructing signal to a remote information processing apparatus to instruct said information processing apparatus to acquire said urgent mail including an attached file (col. 4 line 15 - col. 5 line 23; col. 5 lines 40-60; col. 6 line 36 - col. 8 line 21; the wireless communication device transmits command to messaging system server 120 to have the messaging system server retrieved said high priority e-mail message including attached file from the e-mail server 110 using POP3 or IMAP).

6. As to claims 16-17, Cloutier teaches said receiving means receives said mail-

arrival notifying signal over a public radio circuit network, and said receiving means receives said mail-arrival notifying signal from a prescribed mail-arrival monitoring apparatus which judges an electronic mail arriving said mail server, by radio communications for short distance (col. 2 lines 30-49; col. 3 lines 11-19).

7. As to claim 18, Cloutier teaches notifying means for notifying a user of arrival of said urgent mail, in response to said mail-arrival notifying signal received (col. 3 line 62 - col. 4 line 14).

8. As to claim 19, Cloutier teaches said transmitting means transmits said acquisition instructing signal including a Message-ID of an electronic mail that is judged as an urgent mail, included in said mail-arrival notifying signal (Abstract; col. 7 line 25 – col. 8 line 21).

9. As to claim 20, Cloutier teaches said transmitting means transmits said acquisition instructing signal to a prescribed information processing apparatus by radio communications for short distance, in response to an operation button which is operated by a user to instruct transmission of said acquisition instructing signal (col. 2 lines 30-49; col. 6 line 36 - col. 8 line 21).

10. As to claim 21, Cloutier teaches an information processing apparatus (Fig 1, messaging system server 120 and its description), comprising:

receiving means for receiving an acquisition instructing signal transmitted from a remote prescribed mobile communication terminal, according to a mail-arrival notifying signal to make a notice that an electronic mail arriving a prescribed mail server is an urgent mail (col. 4 line 15 - col. 5 line 23; col. 5 lines 40-60; col. 6 line 36 - col. 8 line 21; the messaging system server 120 receives command from the wireless communication device to retrieve said high priority e-mail message from the e-mail server 110 using POP3 or IMAP); and

mail acquiring means for acquiring said urgent mail including an attached file from said mail server in response to said acquisition instructing signal received from said mobile communication terminal (col. 4 line 15 - col. 5 line 23; col. 5 lines 40-60; col. 6 line 36 - col. 8 line 21; the messaging system server 120 retrieves said high priority e-mail message including an attached file from the e-mail server 110 using POP3 or IMAP).

11. As to claims 1-4 and 22-24, limitations of claims 1-4 and 22-24 that are similar to limitations of claims 15-21 are being rejected under the same rationale. In addition, Cloutier teaches mail arrival monitoring apparatus (col. 3 line 20 - col. 5 line 23; col. 5 lines 40-60; col. 6 line 36 - col. 8 line 21).

12. Applicant's arguments filed on 02/21/07 have been fully considered but they are not deemed to be persuasive as discussed above.

13. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 C.F.R. § 1.136(a).

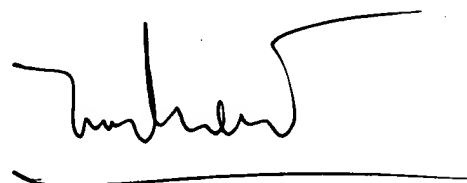
A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu whose telephone number is 571-272-3884.

The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LE HIEN LUU  
PRIMARY EXAMINER